

**TOWN OF DAVIE
TOWN COUNCIL AGENDA REPORT**

TO: Mayor and Councilmembers

FROM/PHONE: Mayor Tom Truex / 954-797-1030

PREPARED BY: Barbara McDaniel, MMC, Assistant Town Clerk

SUBJECT: Downtown Davie

AFFECTED DISTRICT: District 1

ITEM REQUEST: **Schedule for Council Meeting**

TITLE OF AGENDA ITEM: Request for Waiver of Additional Capacity Reservation Fees - Downtown Davie

REPORT IN BRIEF: Request placed on the agenda at the request of Mayor Truex.

PREVIOUS ACTIONS:

CONCURRENCES:

FISCAL IMPACT: not applicable

Has request been budgeted? n/a

RECOMMENDATION(S):

Attachment(s): Letter from Harvey Mattell

NOB HILL PARTNERS, LLC

954.763.5095-TELEPHONE

954.763.5193-TELEFAX

November 25, 2008

Via Telefax: 954.792.8542

The Honorable Thomas A. Truex, Mayor
The Town of Davie
City Hall
6591 Orange Drive
Davie, Florida 33314

Re: Downtown Davie

Water and Sewer Service Agreement

Town of Davie Utilities Department File Number 05-046

REQUEST FOR WAIVER OF ADDITIONAL CAPACITY RESERVATION FEES

Dear Mayor Truex,

In January of 2006 Nob Hill Partners, LLC entered into the above referenced Water and Sewer Service Agreement with the Town of Davie Utilities Department. At that time the sum of \$392,817.00 was paid to the Town of Davie for water and sewer capacity reservation fees relative to the Downtown Davie project.

The Agreement further provided on Exhibit "C" that if after 36 months from the execution of the contract on January 19, 2006, the Downtown Davie project was not completed and water and sewer service actually being used, an additional monthly fee would begin. At current rates this monthly fee would be approximately \$4,300.00 per month.

In light of the unforeseen ongoing litigation by persons who have been opposed to the project, now compounded by drastic changes in the national and global economic environment, both as to the real estate market and financial system, Nob Hill Partners has faced obstacles beyond our control which could not have been anticipated and are not related solely to the Downtown Davie project but rather national and global economic conditions.

I believe that you and the other Council Members understand that the delays caused by these obstacles are not due to a lack of diligence on the part of Nob Hill Partners.

The Honorable Thomas A. Truex, Mayor
November 25, 2008
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We therefore request assistance from the Town in the form of a waiver for one year to January 19, 2010 as to imposition of additional capacity reservation fees.

We are in a time of such difficult economic circumstances that we see significant governmental assistance and intervention for businesses and individuals, large and small. We hope the Town of Davie will grant us the requested waiver in this spirit.

Accordingly, I would appreciate your having this item placed on the agenda for the next regularly scheduled Town Council meeting and I look forward to the positive response of Council relative to the request.

If you or any other Council Members are in need of any further information, please contact me.

Very Truly Yours,



HARVEY MATTEI
Managing Member

HM/jf